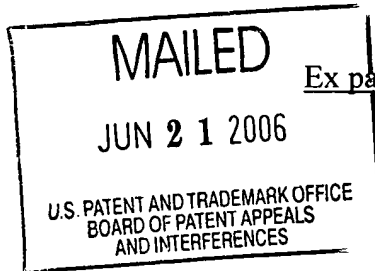


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte LYNN E. SPITLER and ANTHONY E. MAIDA, III

Application No. 08/105,444

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 4, 2005, the examiner mailed an Examiner's Answer. On pages 7-10, section (9) of the Answer entitled "[Prior] Art of Record," the examiner lists the references relied upon in his rejection of the claims on appeal. A review of the Answer reveals that the examiner has not provide a copy of the following prior art:

Peshwa et al., 36 The Prostate 129-138 (1998)

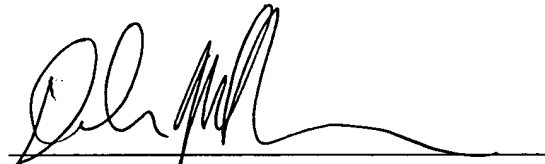
Application No. 10/823,379

Accordingly, it is

ORDERED that the application is returned to the examiner to provide a copy of the missing Peshwa reference identified above, to have electronically scanned and made a part of the official record, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

cc: Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

DMS:clm